

**Notice of Allowability**

Application No.

10/526,661

Examiner

Pam Rodriguez

Applicant(s)

BATISTIC ET AL.

Art Unit

3683

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 07/09/07.
2. ☒ The allowed claim(s) is/are 8-10 and 14-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Pam Rodriguez*  
**PAM RODRIGUEZ**  
 PRIMARY EXAMINER  
 9/9/07

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### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In lines 10 of Claims 8 and 14, the terms "an acceleration sum factor" have been changed to read –a variable acceleration sum factor—to be consistent with the variable acceleration sum factor terms on the following lines 11 of the claims;

Also, in lines 10 of Claims 8 and 14, the terms "a slip sum factor" have been changed to read –a variable slip sum factor—to be consistent with the variable slip sum factor terms on the following lines 12 of the claims;

In lines 11 of Claims 8 and 14, the terms "acceleration sum signal" have been changed to read –acceleration sum signals—to avoid 112 second paragraph rejections;

In lines 12 of Claims 8 and 14, the terms "slip sum signal" have been changed to read –slip sum signals—to avoid 112 second paragraph rejections;

In lines 14-15 of Claim 8, the phrase "the weighted acceleration sum signal" has been changed to read –a weighted acceleration sum signal—to avoid a 112 second paragraph rejection of the term;

In line 15 of Claim 8, the term "slip sum signal" has been changed to read –slip sum signals—to avoid a 112 second paragraph rejection;

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In line 3 of Claim 10, the term "said thresholds" has been changed to read –said predetermined acceleration and slip thresholds—to avoid a 112 second paragraph rejection of the term;

In line 15 of Claim 14, the term "the weighted slip sum signal" has been changed to read –a weighted slip sum signal—to avoid a 112 second paragraph rejection of the term;

Also, in line 15 of Claim 14, the term "acceleration sum signal" has been changed to read –acceleration sum signals—to avoid a 112 second paragraph rejection of the term;

In lines 2 of Claims 15 and 16, the terms "the entry" have been changed to read –an entry—to avoid a 112 second paragraph rejection;

In lines 3 of Claims 15 and 16, the terms "acceleration sum signal" and "slip sum signal" have been changed to read –acceleration sum signals—and –slip sum signals—to avoid 112 second paragraph rejections of the terms; and

Also in lines 3 of Claims 15 and 16, the words –the—have been inserted before the words "variable" to better clarify the sum factors.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 571-272-7122. The examiner can normally be reached on Tuesdays 5:30 AM -4 PM and Wednesdays 5 AM -11 AM.

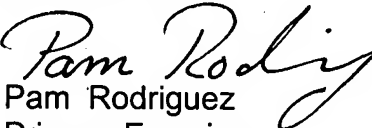
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Pam Rodriguez  
Primary Examiner  
Art Unit 3683  
9/9/07

PR  
09/09/07